

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 4, 2000

DIVISION ONE

B136719 People (Not for Publication)
v.
Jackson

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION TWO

B133995 People (Not for Publication)
v.
Flores

The judgment is affirmed.

Mallano, J. (Assigned)

I concur: Cooper, J.
I dissent & concur: Nott, Acting P.J. (Opinion)

May 4, 2000-Continued

DIVISION TWO (Continued)

B124201 Harris (Not for Publication)
v.
Radford Studio Centers, Inc.

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Cooper, J.

B129090 Muccillo (Not for Publication)
v.
Hufstedler, Kaus & Ettinger

The judgment is affirmed. Each party to bear their own costs.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B128282 DeSantis (Not for Publication)
v.
Snider et al.

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

May 4, 2000-Continued

DIVISION TWO (Continued)

B131495 People (Not for Publication)
v.
Dawson

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B128135 Anthony
v.
Taylor

(Not for Publication)

The order of the trial court is reversed. Each party is to bear its own costs on appeal.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Cooper, J.

DIVISION THREE

B133473 Brent Smith, Sr., et al. (Not for Publication)
v.
City of Los Angeles, etc., et al.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B130565 Richard B. Kaplan (Not for Publication)
v.
City of Los Angeles

The judgment is affirmed. Respondent(s), the City of Los Angeles to recover costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B129295 James McDonald, etc. (Not for Publication)
v.
Titan/Value Equities Group, Inc., etc.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B133666 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Jacqueline R., et al.
In re Russell R.

There is sufficient evidence to support finding under section 300 only as to subdivisions (b) and (d). The petition is modified to delete reference to subdivision (c), (g), (i) and (j). The judgment is modified, and as modified, the judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B133241 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Josephine H.
In re Candace N., et al.

The judgment terminating Mother's parental rights is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

B136031 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Carol R.
In re Ashley A., et al.

The judgment is reversed. The matter is remanded to the juvenile court for further proceedings.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

B135519 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Simon M.
In re Victoria M.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

DIVISION THREE (Continued)

B102750 People (Not for Publication)
v.
Castellanos

The judgment is affirmed.

Klein, P.J.

I concur: Kitching, J.
I dissent: Aldrich, J. (Opinion)

[illegible]

The judgment is affirmed.

Kitching, J.

I concur: Aldrich, J.
I dissent: Croskey, Acting P.J. (Opinion)

B127193 People (Not for Publication)
v.
James

James's sentence is vacated and the matter is remanded for resentencing in accordance with this opinion. In all other respects, the judgment is affirmed.

Kitching, J.

I concur: Aldrich, J.
I dissent: Croskey, Acting P.J. (Opinion)

DIVISION FOUR

B132637 Portfolio Management, LLC (Not for Publication)
v.
Wittman

The judgment is reversed and the trial court is directed to enter judgment for appellant. Appellant shall recover her costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

B128914 Hooker (Not for Publication)
v.
California Department of Transportation

The judgment is reversed. Plaintiff to recover costs on appeal.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Curry, J.

B131256 People (Not for Publication)
v.
Gurule

For the foregoing reasons, as to the trial court's findings with regard to prior conviction allegations, we conclude: (a) the truth of four prior convictions alleged under the Three Strikes law were proved, rather than five as found by the trial court; and (b) the truth of four prior convictions alleged pursuant to Penal Code section 667.5, subdivision (b) were proved, rather than seven as found by the trial court. As modified, the judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

DIVISION FOUR (Continued)

B100097 Old Republic Insurance Company (Certified for Publication)
v.
FSR Brokerage, Inc.

The judgment is reversed with respect to Old Republic's claims against FSR in its second amended cross-complaint, apart from Old Republic's claims that FSR had submitted false invoices, and the matter is remanded for further proceedings in accordance with this opinion. The judgment is reversed with respect to FSR's claims against Old Republic in its first amended cross-complaint, and the trial court is directed to enter judgment in Old Republic's favor on FSR's cross-complaint. Old Republic is awarded its costs on appeal.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B137707 Haynie
v.
Superior Court, Los Angeles County
(County of Los Angeles, r.p.i.)

Filed order modifying opinion. (No change in the judgment)

DIVISION FIVE

B138933 Yvonne C. (Not for Publication)
v.
Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

The petition is denied.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B137389 Squire M., et al. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (D.C.F.S., r.p.i.)

The petition is denied.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

B131013 People (Not for Publication)
 v.
 Daniel Martinez

The sentence on the Penal Code section 12022.5 enhancement as to count 4 is reversed. Upon issuance of the remittitur, defendant is to be sentenced in accord [sic] with the analysis set forth in the body of the opinion. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B123818 People v. Hines
B128888 People v. Smith
B130737 People v. Mariscal
B131757 People v. Miltonl
B131986 People v. Sawyer

DIVISION SEVEN (Continued)

Each of the following (continued):

B132666 People v. Dunlap
B132830 People v. Lemelle
B133320 People v. Simonian
B133819 People v. Perez
B133867 People v. Duhon
B133470 People v. Perey
B134644 People v. Antonio E.
B134786 People v. Torres
B135059 People v. Dennis L.
B136527 People v. Sahakian
B139623 Billie H. v. S.C.L.A.
B136375 D.C.F.S. v. Senaida R.
B125729 People v. Munoz
B124426 Navarro v. Bartley
B132874 D.C.F.S. v. Cynthia S.

Argument waived, cause submitted.

B122907 Koenekamp
 v.
 Koenekamp

Merits:

Argued by Paula Gavin and Hugh Lipton for appellants and no appearance for respondent. Cause submitted.

B130974 People
 v.
 Palencia

Merits:

Argued by David D. Carico for appellant and by Analee J. Nations, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B131372 People
 v.
 De Santiago

Merits:
Argued by William S. Pitman for appellant and by Brad D. Levenson,
deputy attorney general, for respondent. Cause submitted.

B131588 Roshkind
 v.
 G & K Properties

Merits:
Argued by Evan D. Marshall for appellant and by Ira L. Siskind for
respondent. Cause submitted.

B133928 Kassardjian
 v.
 Kivuls et al.

Merits:
Argued by Gabriele Mezger-Lashly for appellants and by Scott MacCabe
for respondent. Cause submitted.

B129681 Safieslamy
 v.
 Department of Toxic Substances Control

Merits:
Argued by Sid M. Safieslamy, appellant in propria persona, and by Jorge
Otano, deputy attorney general, for respondent. Cause submitted.

B130435 People
 v.
 Sierra

Oral argument continued to June 1, 2000, at 9:00 A.M.

DIVISION SEVEN (Continued)

B133930 Stroud et al.
 v.
 Santa Anita Church et al.

Appearances:
Gerald Peters for respondents and no appearance by counsel for appellant.
Argument waived, cause submitted.

B137829 McDermott, Will & Emery
 v.
 Superior Court, Los Angeles County
 (James, r.p.i.)

Merits:
Argued by Theodore Boutrous for petitioner and by Stuart B. Esner for real parties in interest. Cause submitted.

B136551 Insurance Company of the State of Pennsylvania
 v.
 Workers Compensation Appeals Board
 Industrial Indemnity, Respondent

Appearances:
David Lister for petitioner and by Richard Zaks for respondent.
Submission deferred for 30 days, thereafter the matter will be submitted.

B133240 Aman
 v.
 Park Wellington Owners' Association

Merits:
Argued by Mohamad Aman, appellant in propria persona, and by Alfred Klein for respondent. Cause submitted.

Court recessed at 11:10 A.M.

DIVISION SEVEN (Continued)

Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

B137064 Chiasson
 v.
 Todd Shipyards Corporation

Merits:

Argued by Charlotte E. Costan for appellant and by George Yaron for respondent. Cause submitted.

B130082 Snell
 v.
 California Cartage Enterprises, Inc., et al.

Merits:

Argued by Nikki Fong for appellant and by Howard L. Magee for respondents. Cause submitted.

B134300 Sony Pictures Entertainment et al.
 v.
 Certain Underwriters at Lloyd's of London

Merits:

Argued by J. Alan Frederick for appellant and by Charissa Dorian for respondent. Cause submitted.

B128336 Rutter et al.
 v.
 Polygon Communities, Inc.
 Whitmore

Merits:

Argued by Michael L. Goldberg for appellant and by George C. Rudolph for respondent and by Michelle L. Carder for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B118522 People
v.
Taylor

Oral argument continued to May 5, 2000, at 10:00 A.M.

Court adjourned at 3:48 P.M.

B137346 Joe K. (Not for Publication)
v.
S.C.L.A.
L.A. County Dept. of Children & Family Services

The petition for a writ of mandate is denied.

Neal, J.

We concur: Lillie, P.J.
Woods, J.